ARGUMENTS/REMARKS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and the telephonic interview, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention. These remarks also includes the substance of the interview and serves as a summary thereof.

Claims 1-5, 9, 12-18, and 30-32 stand pending in this application. Claims 1-5, 12, 13 and 18 have been amended and claims 31 and 32 are new claims. It is believed that the application is now in condition for allowance. Reconsideration is respectfully requested.

Claims 1, 2, 3, 9-13, 16-18 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,782,204 to Rahn in view of U.S. Patent No. 5,098,585 to Woltman. However, because claims 1-3, 9, 12, 13, 16-18, and 30-32 are not obvious, they should be allowed for at least the following reasons.

Rahn in view of Woltman fails to disclose every limitation of the currently amended independent claim 1. In fact, at least five elements of the amended claim 1 are not disclosed in Rahn in view of Woltman. In particular, as discussed during the telephonic interview on December 8, 2005, Rahn does not disclose multiple inlets which customizably pull water in from multiple locations of the aquarium, multiple outlets customizably located in multiple locations, multiple interchangeable components used to manipulate the flow of water into a desired pattern, multiple attachment mechanisms coupled to the interchangeable components, or a valve assembly to manage at least one of the water return system and the water intake system to regulate a flow rate.

In particular, as we discussed during the interview, Rahn does not disclose or

otherwise teach the concept of pulling in water from multiple locations as now claimed in claim 1. Rahn just shows water being taken in from one location (Rahn # 4). Moreover, the inlet in Rahn is not customizably located. Although Rahn shows three locations where the water returns to the aquarium, they are not customizable by the aquarist as in the current invention. As such, there are not multiple outlets customizably located in multiple locations. Accordingly, these elements are not obvious in view of Rahn.

Rahn does not disclose multiple interchangeable components used to manipulate the flow of water into a desired pattern as claimed in claim 1. In the current invention, the components can fit together in the same way making the entire system fully interchangeable. This would allow the aquarist to manipulate the components in any pattern to allow any flow of water so desired. In Rahn, the invention disclosed is a wavemaker that is set up with alternating current diverted from one valve body to the other providing a wave motion in the aquarium. This is not adjustable. In fact, an attempt to customize the Rahn invention to manipulate the waterflow would actually disturb the intended wavemaking function of the Rahn invention. As such, Rahn actually teaches away from this element of the present invention. Accordingly, this element is clearly not obvious in view of Rahn.

As the Examiner states in the Office action of September 26, 2005, Rahn is silent on the use of attachment mechanisms. In this regard, Rahn does not disclose multiple attachment mechanisms coupled to the interchangeable components. In fact, Rahn does not disclose any attachment mechanism as claimed. The invention disclosed in Rahn is held in place by sitting on top of the aquarium. Because Rahn does not have the large amount of interchangeable parts set up throughout the aquarium, there is no need for multiple attachment mechanisms as in the present invention. As such, this element is not obvious in view of Rahn. The Examiner cited Gomi for having "at least one connecting piece is coupled to an attachment mechanism." Gomi shows the use of an attachment mechanism to attach one component to a wall of the aquarium. However, like Rahn, there is only one part attached to the aquarium. As such, Rahn in view of Woltman and further in view of Gomi does not disclose the idea of multiple attachment mechanisms coupled to

interchangeable components which attach the interchangeable components to the aquarium. In this regard, having attachment mechanisms attached to multiple interchangeable components to be located in various locations throughout the aquarium is novel and not obvious. Accordingly, this combination is patentable over Rahn in view of Woltman further in view of Gomi.

Finally, Rahn does not disclose a valve assembly to manage at least one of the water return system and the water intake system to regulate a flow rate. In her rejection, the Examiner stated that "at least one valve (Rahn # 2 and Col. 4 line 35 and Col. 2 line 35) assembly to manage at least one of the water return system and the water intake system to regulate a flow rate" was disclosed in Rahn. However, the "valve assembly" disclosed in Rahn does not regulate the flow rate as in the present invention. In this regard, the Rahn valve is a shuttle valve that merely shuttles the water back and forth from one valve body to the other providing a wave motion in the aquarium. In stark contrast, the valve assembly in the present invention actually regulates the flow rate in that it can increase the rate, decrease the rate or turn the water flow off completely. This idea is novel and is clearly not disclosed in Rahn.

Claim 18 has been modified to emphasize the multiple intake and return means, the means for attaching the water flow system to the aquarium in multiple locations and the means for customizably manipulating the water into a desired pattern as chosen by an aquarist. Claim 18 is therefore allowable over the prior art for the reasons discussed above in connection with claim 1.

Claim 31 is a new claim which is essentially a reiteration of previously presented claim 10 inclusive of the limitations of claim 1 of which claims 10 was dependent upon. Claim 32 is a new claim which is essentially a reiteration of previously presented claim 11. In her rejection, the Examiner stated that claim 10 as modified teaches "the valve assembly has one or more openings (Rahn Fig. 5 #101 and 102) and a regulator which regulates the rate at which the water returns (Rahn #104). In her rejection of claim 11, the Examiner stated that Rahn as modified inherently teaches the regulator further comprises an adjustment mechanism to alter

the rate at which water returns (Rahn #117 is dependent upon the flow rate coming through #103 which inherently can change and thus change the speed at which #117 operates).

For the reasons discussed above and further elucidated below, the rejections of claims 10 and 11 were improper and new claim 31 and 32 are in condition for allowance. This is because Rahn does not disclose a valve assembly that manages at least one of the water return system and the water intake system to regulate a flow rate wherein the valve assembly further comprises one or more openings and a regulator which regulates the rate at which water enters the water intake system or the rate at which water returns from the water return system. Rahn also does not disclose a regulator which further comprises an adjustment mechanism adjustable by an aquarist which regulates the rate at which the water enters the water intake system or the rate at which the water returns from the water return system.

As we discussed during the teleconference, in the present invention, the regulator and adjustment mechanism in the present invention is a device that can be adjusted by the aquarist in order to regulate the flow rate in that it can increase the rate, decrease the rate or turn the flow of water off completely. This idea is novel and is clearly not disclosed in Rahn. In contrast, the valve in Rahn is a shuttle valve that merely shuttles the water back and forth from one valve body to the other providing a wave motion in the aquarium. Accordingly, if an aquarist were to try to adjust the shuttle valve, it would actually disturb the intended wavemaking function of the Rahn invention. As such, Rahn actually teaches away from the regulator and the adjustment mechanism as claimed in claims 31 and 32 of the present invention. Accordingly, claims 31 and 32 are not obvious in view of Rahn.

The remaining rejected claims all depend, directly or indirectly, upon independent claims 1, 18 and 31 discussed above, and thus are patentable over the reference for at least one of the reasons discussed.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35269US1.

Respectfully submitted,

PEARNE & GORDON, LLP

By: _____

Gregory D. Fernengel, Reg. No. 57,330

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: December 22, 2005